

### **REMARKS**

The Office Action of November 17, 2006 has been reviewed and the comments therein were carefully considered. Claims 1-27 and 56-75 are pending in this application. Claims 1-27 and 56-75 stand rejected. No new subject matter has been added.

#### **Rejections under 35 U.S.C. § 103**

Claims 1-7, 10-11, 13-15, 17-24, 26-27, 56-57, 59, 60-62, 64-66, 68-75 stand rejected under 35 USC Section 103(a) as being unpatentable over Durst, Jr. et al. (U.S. Patent No. 6,542,933) in view of Sussman (U.S. Patent Application No. 2001/0161658). In view of the Remarks below, the Applicants respectfully request reconsideration.

The Office Action acknowledges that Durst does not teach or suggest the output device being separate from the PSA. The Action, however, asserts Sussman teaches this limitation. Specifically, the Action states “[t]he information is downloaded to the consumer’s Internet Appliance, PDA, PC, or cell phone...which ever the consumer is most comfortable with (paragraph [0032]). Applicants respectfully disagree with such an interpretation of Sussman. First, the cited paragraph states “the base station 50 connects via the internet 23 to the UPC database stored at the merchant 51, or at the Central UPC database 27...This is the method of whereby the consumer maintains her shopping list in whichever **device** she is most comfortable with, i.e. her Internet Appliance 19, her PDA 20, her PC 21, her cell phone 22, etc.” (emphasis added). Thus, there is no indication that the base station chosen to connect to the internet is not the base station that receives the output. Rather, the opposite appears to be the case – the user uses a base station to connect to the internet (“whichever device she is most comfortable with”) to receive an output to that base station.

Applicants further note that the next sentence in paragraph 32 introduces the idea of allowing the base stations to receive information; however, it is within the context of receiving information from other base stations and not from any information server when another base station previously requested the information. Specifically, the paragraph concludes with: “[t]he preferred embodiment of the invention allows the consumer to share her various shopping lists on multiple devices, i.e. base stations 50. More about this feature later in the detailed description.” Applicants believe paragraphs 41 and 42 describe the communication feature in detail, which further explain how the base stations may communicate and synchronize (not

receive additional information that one does not have) amongst one another, however, there is no disclosure that one base station can send a request to a server, which provides an output to an output device that is separate from the base station that submitted the request. Specifically, paragraph 41 states:

[P]rovided that all of the base station 50 devices are Bluetooth enabled, then they can communicate **amongst themselves** via a Bluetooth piconet. One advantage of this system is that **copies** of a shopping list can be resident and kept in synch on multiple base stations 50. This multiplicity of synchronized copies is maintained without the consumer's intervention, provided that each base station 50 is configured to synchronize data with each other.

(Paragraph 41, emphasis added). Paragraph 42 further supports this interpretation, as only information already on stored one base station is transmitted to another base station, stating:

Another advantage of a piconet is that any peripheral device attached to a base station 50, in effect becomes a peripheral to any other base station 50 on the piconet. For example, the consumer **can print out a shopping list stored** on his PDA 20 on a USB interface printer 18 that is attached to a PC 21, even if the printer 18 is not Bluetooth enabled.

(Paragraph 42, emphasis added). Applicants, therefore, respectfully submit that neither Sussman nor Durst, whether individually or in combination, teach, suggest, or disclose this feature of the recited claims. Thus, for at least this reason alone, Applicants respectfully request reconsideration and withdrawal of the rejection.

The Office Action further asserts Durst discloses an Information Server System (ISS) as recited in the claims. Specifically, the Action alleges that Col. 3, lines 1-15, 35-40 and 65-67; Col. 4, lines 1-5; Col. 6, lines 11-22, and 29-45 and Col. 14, lines 39-60 discloses the claimed ISS. Applicants respectfully disagree since the recited ISS of the rejected claims is configured to determine a communication method from multiple communication methods, and for transmitting the P/S-Info using the determined communication method from the multiple communication methods. As explained in the specification of the present application, communication methods may allow communication methods to provide the output to a personal computer, television set, laptop computer, and/or a pair of virtual reality goggles. (See, e.g., Paragraph 19). Claim 13 further recites such communication methods, which may include "the Internet, a wired telephone network, a broadcast network, a short-range, low power radio-frequency (RF) technology, a

wireless local area network (WLAN), and a cellular telephone network.” Claims 14 – 16 depend from claim 13 and further recite specific methods that may be utilized.

To the contrary, there is no teaching anywhere in Durst of an ISS that is configured to determine a communication method from multiple communication methods, and for transmitting the P/S-Info using the determined communication method from the multiple communication methods. First, as discussed above, both Durst and Sussman only provide the output back to the device that transmitted the request, and neither provides any suggestion that another communication method may be employed. Specifically, Durst explicitly requires the construction of a URL template. As provided in the Summary of the Invention section of Durst:

The client computer extracts the server identification code from the linkage code, and then obtains **a URL template** associated with the server identification code. The URL template includes the name of an information server and at least one parameter field to be completed by the client computer. The URL template is completed by the client computer by filling in at least the item identification code obtained from the linkage code, and the completed **URL template is then sent as a primary content URL request** to the information server named therein.

(Durst, Col. 4, lines 8 – 17, emphasis added). Durst further provides that:

The information server 50 is configured, as explained in detail below, to receive a completed URL template from the client computer 20 and transmit a response to the client computer 20 which may be the desired primary content file or a URL that redirects the web browser 24 to a content server 60 that has the primary content file stored thereon. The content web servers 60 may contain the **web content that is ultimately sent to the web browser 24**, and need not be configured in any special way in order to operate with the linkage system 4. **That is, the content server 60 receives a data request in the form of a URL and responds by supplying the requested web content.**

(Durst, Col. 6, lines 10 – 22, emphasis added; see also Col. 5, lines 42 – 52, stating “[t]he web browser 24 is a standard web browser executing on the client computer 20...The linkage client 22...works with the routing server to generate URLs that are sent to the web browser”).

Thus, all communication transmitted from the alleged server of Durst must comply with the same URL protocol. Applicants, therefore, respectfully submit that neither Durst nor Sussman, whether individually or in combination, teach, suggest, or disclose at least the feature of an ISS that is “configured to determine a communication method from multiple communication methods, and for transmitting the P/S-Info using the determined communication

method from the multiple communication methods”. Thus, for at least this reason alone, Applicants respectfully request reconsideration and withdrawal of the rejection.

Claims 8-9, 12, 16, 25, 58, 63, 67 stand rejected under 35 USC Section 103(a) as being unpatentable over Durst, Jr. et al. (U.S. Patent No. 6,542,933) in view of Sussman (U.S. Patent Application No. 2001/0161658) and further in view of Gottsman et al. (U.S. Patent No. 6,134,548).

As discussed in the previous Responses, Gottman relates to a system that facilitates interactive web-based comparison-shopping in conventional, physical, non-web retail environments (see col. 1, lines 54-57). Gottman (col. 1, lines 57-63) discloses that a wireless phone or similar hand-held wireless device with Internet Protocol capability is combined with a miniature barcode reader (installed either inside the phone or on a short cable) and utilized to obtain definitive product identification by, for example, scanning a Universal Product Code (UPC) bar code from a book or other product.

Gottman (col. 1, lines 63-67) teaches that the wireless device transmits the definitive product identifier to a service routine (running on a Web server), which converts it to (in the case of books) its International Standard Nook Number or (in the case of other products) whatever identifier is appropriate. Gottman (col. 1, line 67 thru col. 2, line 5) further states, “the service routine then queries the Web to find price, shipping and availability information on the product from various Web suppliers. This information is formatted and displayed on the hand-held device’s screen. The user may then use the hand-held device to place an order interactively.”

However, Gottman is silent with respect to “a server that determines a communication method from multiple communication methods and transmits P/S-info using the determined communication method,” as recited in independent claims 1 and 56. Consequently, Gottman fails to provide what Durst and/or Sussman lack. As a result, amended independent claims 1 and 56 are patentable over the combination of Durst, Sussman and/or Gottman whether individually or in combination and, therefore, reconsideration and withdrawal of all the rejections under 35 U.S.C. §103 are respectively requested.

**CONCLUSION**

All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the number set forth below.

Applicant believes there is no fee due in association with the filing of this response, however, should there be any fees due the Commissioner is hereby authorized to charge any such fees or credit any overpayment of fees to Deposit Account No. 19-0733.

Respectfully submitted,

**BANNER & WITCOFF, LTD.**

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By:



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